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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,007	02/11/2004	Glen Smith	2002-042	3410
54472	7590	09/16/2005	EXAMINER	
COATS & BENNETT/SONY ERICSSON			PHAM, TOAN NGOC	
1400 CRESCENT GREEN				
SUITE 300			ART UNIT	PAPER NUMBER
CARY, NC 27511			2632	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,007

Applicant(s)

SMITH, GLEN

Examiner

Toan N. Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-17, 22-29 and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sexauer et al. (US 2003/0194101).

Regarding claim 1: Sexauer et al. discloses an audio superpositioning circuit for combining a first audio file and a second audio file to form a combined audio signal; and playing the combined audio signal through the speaker (23) of a mobile phone [page 1, ¶ 0002, 0016, 0017; page 2, ¶ 0017-0018].

Regarding claims 2-5: Sexauer et al. discloses three audio input files, including voice, music, and ringer signals, that maybe combined together and output through a speaker [¶ 0002; page 2, ¶ 0017-0018].

Regarding claim 6: Sexauer et al. discloses the different audio input signals (31, 32) [page 2, ¶ 0017; Fig. 3]. It is inherent that these signals are stored in memory and is retrieved by the selection of the user when the switches (35, 36) are selected.

Regarding claims 10-13: Sexauer et al. discloses the audio output for the predetermined event is for a mobile phone; therefore, it is inherent that the mobile phone is utilizing the audio signals for providing the known alert indications.

Regarding claim 14: Sexauer et al. discloses the voice input [¶ 0002; page 2, ¶ 0017]. Thus, it is inherent that a microphone is used to receive the voice input signal.

Regarding claim 15: Sexauer et al. discloses an audio superpositioning circuit for combining a first audio file and a second audio file to form a combined audio signal; and playing the combined audio signal through the speaker (23) of a mobile phone [page 1, ¶ 0002, 0016, 0017; page 2, ¶ 0017-0018], responsive to a predetermined event.

Regarding claim 16: See claims 1 and 10 above.

Regarding claim 17: See claim 14 above.

Regarding claims 22 and 23: See claims 2-5 above.

Regarding claim 24: See claim 1 above.

Regarding claim 25: See claim 14 above.

Regarding claims 26-29: See claims 2-5 above.

Regarding claims 34-37: See claims 10-13 above.

Regarding claim 38: Sexauer et al. discloses the communication device is a mobile phone [page 1, ¶ 0016].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 18-21, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sexauer et al. (US 2003/0194101) in view of Curran et al. (US 6,583,718). Sexauer et al. does not disclose the claimed synchronize playback. Curran et al. discloses the alarm device includes the microcontroller (U1) for controlling the synchronize operation of the alarm device in a desired sequence (abstract; col. 10, lines 58-63). At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize a time control device to synchronize the alert output as taught by Curran et al. in a system as disclosed by Sexauer et al. for effectively providing a distinct alert sequence of audible signals.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Hijii (US 2003/0027605), Weiner et al. (US 2003/0019347), Woo et al. (US 2005/0190932) and Graef et al. (US 6,873,705) are cited to show a variety of different sound producing devices.

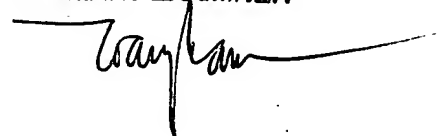
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 15, 2005

TOAN N. PHAM
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Toan N. Pham', written over a horizontal line.